

Chapter 322 section 3 of the Code of the Town of Smithtown shall be amended to add the following definition;

322-3 ORGANIC WASTE PROCESSING FACILITY

Includes a lot, land or structure at which organic waste materials are received, composted and/or aerobically or anaerobically digested entirely within a building to produce a recycled product which may include natural gas, soil and other byproducts for sale or for use on-site. This term shall not include a transfer station as defined herein.

Chapter 322 section 7 (A)(1) of the Code of the Town of Smithtown shall be amended as follows

A. Special purpose districts

(1) CF District (Community Facility) The regulations set forth in this section or set forth elsewhere in this chapter and applicable to the CF district are intended to provide for adequate area for religious, educational, recreational, institutional, agricultural, environmental and municipal facilities to serve the present and future needs of the community and the region. Subject to the criteria governing the issuance of a special exception from the Town Board pursuant to Article XIV of this chapter, an Organic Waste Processing Facility shall be a permitted use in a CF zone.

Chapter 322 section 7 (A)(1) of the Code of the Town of Smithtown shall be amended as follows

322-102.2 Organic Waste Processing Facility

A. The Town Board may, upon application and after a public hearing on notice, as provided in §322-94 for special exception uses, authorize a special exception for an Organic Waste Processing Facility in a CF District if said Board shall find that the proposed facility is desirable for service to the residents of the Town of Smithtown, the proposed location is appropriate for the size and operation of said facility, gives due consideration to the character of the surrounding neighborhood, and that the proposal is in keeping with the purposes of this Chapter as stated in §322-2 and Chapter 177 Solid Waste Management as stated in §177-2.

(1.) Purpose. The purpose of this special exception is to promote the public health safety and welfare and to provide suitable locations for the construction and operation of facilities designed to receive and process source separated organic materials in accordance with the Solid Waste Management Plan of the State of New York and the Local Solid Waste Management Plan of the Town of Smithtown.

(2.) Objectives. The objective of this special exception is to assure that Organic Waste Processing Facilities are constructed at sites of a suitable size and location, and operated in a manner that does not constitute a nuisance to neighboring properties or the public generally, or operate in violation of law or regulation.

B. Before approving such special exception, and in addition to such conditions and safeguards as may be imposed by other review agencies, the Town Board shall determine that the following minimum conditions are provided:

(1.) The applicant shall obtain a license to operate an Organic Waste Processing Facility pursuant to chapter 177 of the Smithtown code.

- (2.) All receiving and processing of feedstock shall be undertaken within a building constructed with an impermeable floor surface and equipped to achieve a negative air pressure to prevent escape of noxious odor.
- (3.) All curing of finished product shall be undertaken within a building constructed with an impermeable floor surface and equipped to achieve a negative air pressure to prevent escape of odor.
- (4.) All outdoor storage shall be limited to designated areas constructed with an impermeable surface and containing only fully cured finished product in rows or piles not more than 15 feet in height.
- (5.) All entry, exit, access and internal roadways and vehicle parking areas shall be paved and drained in accordance with an approved site plan.
- (6.) The site shall not be less than 10 acres in area, with not less than 200 feet of frontage on a public street
- (7.) A vegetated buffer of not less than 100 feet shall be maintained along the boundary lines of the site with any neighboring property.
- (11.) The facility shall be at least 200 feet from the nearest surface water body, potable water well and state-regulated wetland, unless provisions are implemented to prevent leachate from leaving the boundaries of the site, in a manner acceptable to the Department of Environment and Waterways and/or State or County agency of competent jurisdiction.
- (12.) The receiving and processing building must be at least 500 feet from the nearest residentially-zoned lot, lot used for a residence, or place of business. This

requirement does not apply to any place of business located on the same site or built after the facility begins operation.

- (13.) The maximum height of any building or structure constructed on the property shall not exceed 35 ft., except air pollution or environmental control structures required by permit or regulation.
- (14.) The facility shall be constructed with air and water monitoring systems.
- (15.) No outdoor storage of any bulk materials shall be permitted.